

Florida Task Force on Citizen Safety and Protection

Organizational Meeting

Chair: Lt. Gov. Jennifer Carroll

May 1, 2012; 10:00 a.m. – 3:15 p.m.

FDOT Auditorium, Tallahassee, FL

10:06; Lt. Gov. Jennifer Carroll called the meeting to order

Roll Call:

Sheriff Larry Ashley: Present

Representative Dennis Baxley: Present

Kenneth Bell: Present

Representative Jason Brodeur: Present

Derek Bruce: Present

Edna Canino: Present

Joseph Caimano, Jr: Present

Sheriff Jerry Demings: Present

Maria Newman: Present by teleconference

Hon. Krista Marx: Not present at Roll Call, arrived late

Chief David Perry: Present

Katherine Fernandez Rundle: Present

Stacy Scott: Present by teleconference

Mark Seiden: Present

Senator David Simmons: Present by teleconference

(Vice-Chair) Rev. Dr. R.B. Holmes: Present

Senator Gary Siplin: Present

Gretchen Lorenzo: Present by teleconference

--All members present in person or by phone with one late attendee.

Pledge Of Allegiance (all present)

Opening Prayer (Holmes)

Opening Remarks (Lt. Gov. Jennifer Carroll, Chair): In addition to thanking John Konkus and Patty Hartman, the Lt. Governor thanks the members of the task force and asks that they approach their duties with open minds. "Please refrain from emotional influences," she says. She then comments that the task force was created to review Florida statute 776: Use of Force, in its entirety.

"This task force is not about the Martin case," the Lt. Gov. said. "And we will not be trying this case." There are other cases in which the statute had been used including two currently active ones.

The Lt. Gov. enjoins the task force that to do justice, make an informed recommendation based on data, it would be important to have an open forum, and that therefore the task force meetings would all be televised on the Florida Channel, would be webcast on the task force web site, and input from Floridians would be solicited. Additionally, the task force would be travelling across the state to hold hearings, all hearings would be made by public notice and no deviation from public notice would occur. All future meetings would be scheduled and publicized.

Senator Smith had sent a statement from his task force, the Lt. Gov. informs the group.

This task force's goal, the Lt. Gov. says, is to make its report and recommendations to the governor and the legislature by the start of legislative session.

Remarks (Rev. Dr. Holmes, Vice-Chair)

The reverend calls for the data to lead the task force to the right thing. He then thanks the Lt. Gov. for her service. "At the end of the day, the entire state of Florida will be glad that the governor had the intestinal fortitude to convene this task force," he said.

Member Introductions (The Chair invited each member to introduce him or herself)

Thanks to Audience (Chair; specifically thanking students and senators in attendance)

Sunshine Law Overview (Ms. Pat Gleason, Special Counsel of Open Government, Office of Attorney General Pam Bondi)

Florida has the broadest Sunshine laws in the nation. Ms. Gleason explains that the Florida Sunshine law is unique because of its broad definition of meeting; and therefore the subjectivity to open forum rules. In Florida, she explains, there are no private discussions or texting or

emailing or private meetings between board members. Any two members meeting to discuss the matter for which they are members must follow open meeting rules. Ms. Gleason sets forth the rules:

1. All meetings must be open to the public
2. Meetings must be preceded by notice to the public
3. Minutes must be kept

Advisory groups, such as the task force are subject to the Sunshine Law with no lesser standard than governing bodies. This law is designed as such so that the entire decision making process must include the public, even for groups whose sole task is to make recommendations. While the Sunshine Law does not apply generally to the judicial branch, when members of that branch are appointed to task forces such as this one, it does apply to them.

Call for Questions (Chair)

Holmes: What is the fine for violating the Sunshine Law?

Gleason: Breaking the law is a second degree misdemeanor, carrying jail time or a \$500 fine. Breaking the law can also form the basis for civil action. Additionally, if the Sunshine Law is broken, all actions taken by the board are void.

Bell: (Public Records Question) Could you speak to our public records law and if we receive communications by email or mail, what are our requirements?

Gleason: Public Records Law also applies to the members, so any material received in the course of task force business constituted task force business and must be disclosed unless there has already been an exception. Please send any emails received to your staff and the task force so they may be published and kept as public record.

Demings: Can staff discuss task force business with members?

Gleason: Yes. The only restriction on staff is that board members cannot use staff to communicate as liaison from one board member to another.

Call for affirmation of clear understanding of the law from all members (Chair)

All members affirm except Newman and Scott on the phone, and Marx who has yet to arrive.

Explanation of Parliamentary Order: (John Phelps, Staff Director of Senate Rules Committee)

While elements are applied depending on the body applying them, most public entities include the following procedures:

- Order:
 - A quorum must be present

- All business must go through chair
- Chair rules on questions of order
- To speak, a member must be recognized by the chair
- Only one member may speak at a time
- Chair is obliged to recognize a member who wishes to speak
- If two members request to speak at the same time, the chair shall recognize which member shall speak first
- Questions and answers must go through the chair
- Only one motion or proposal may be pending
- Proposals should be submitted in writing
- Courteous and respectful forms of address among members are required
- Debate should be confined to ideas and proposals, not personalities
- Predictability
 - Meetings take place according to an agreed upon, published schedule
 - Notice publication deadlines are adopted and strictly adhered to
 - An agenda is developed, distributed and followed in a reasonable order
 - Matters not appearing on an agenda may not be acted upon
- Fairness
 - Members have a right to introduce proposals
 - Members have an equal right to debate and make motions that are in order
 - Members who have not spoken on a pending proposal are recognized before those who have
 - Debate can be limited by a vote of the body but only after enough time has passed for each side to express its views
 - The sponsor of a proposal has the right to close the debate on his or her motion or proposal
 - Members may ask to combine proposals, or compound motions to be divided before a vote so they are not compelled to accept part of a matter with which they disagree
 - Rulings of the chair may be appealed to the body
- Openness
 - Notice of intent to take formal action is required for all meetings
 - Meetings must be open to the public
 - Decisions cannot be made outside of meetings by polls or proxy votes
 - Drafts of all proposals, decision papers and reports to be considered at a meeting, must be distributed at a sufficient time for members to review them
 - All public papers and records are easily and readily available to interested parties
 - Public testimony within reasonable limits should be permitted
- Accountability

- A formal record of the actions of the body must be kept and made available to the public
- A majority vote is required to adopt a proposal or a motion
- Voice votes are acceptable, however count votes should be taken if requested by any member
- After a body has completed its work, its papers should be retained in archives of the convening authority
- Equality among members
- Respect for minority opinion
 - All members have the equal right to speak on all questions and debatable motions
 - If limited, debate is evenly divided between proponents and opponents before a vote
- Bylaws
 - The task force has the right to adopt procedures provided they are consistent with state law
 - In order to apply specific procedures, it may be necessary to adopt bylaws governing such questions as notice deadlines, reconsideration of decisions, and whether seconds will be required and other similar matters
 - If committees or subcommittees are created, they should adhere to the same requirements as apply to the full body to the extent applicable, except that their proceedings are usually less formal
 - The task force may wish to adopt a secondary parliamentary authority to help resolve procedural questions that are not addressed in its adopted bylaws there are several such authorities that may be appropriate

Call for Questions (Chair)

Bruce: Are there circumstances in which voting telephonically may be deemed less valid?

Phelps: No, provided the bylaws of the task force indicate that it is acceptable

Chair: asks teleconferencing members if they have any questions. None are forthcoming. Chair asks for clarification from members who did not affirm their understanding of the Sunshine Law. No response.

Administrative Presentation: (John Konkus, Chief of Staff to Lt. Gov. Carroll)

Konkus explains his position as Chief of Staff and that he is main point of contact (with Patty Hartman as second) for communication among the task force. Asks that members keep emails to a minimum and then provides points of contact for the public:

- Public email: CitizenSafety@eog.myflorida.com
- Website: www.flgov.com/citizensafety

- Twitter: @FLCitizenSafety

Thanks to staff: Patty Hartman, Thomas Dunne Michael Ramage, Amy Graham, Jackie Schutz (contact point for media), Jamal Langley, Bonnie Rogers, Jason Welty, Adam Geary, Donna Hunt, Leah Cassorla, John O'Brien, and Dick Kane.

Travel arrangements are coordinated by contact based on members' name-plate color code.

Lt. Gov. thanks Konkus and asks members to keep their folders. Fernandez Rundle asks permission to introduce and thank Brad King, a colleague from Ocala, and Jacob, for attending.

Overview/History of Chapter 776, F.S. (Thomas Dunne, Governor's office of Policy and Budget)

Lt. Gov. clarifies that only one paragraph of Ch 776 is about "stand your ground" and that the task force will look at the entire law.

Dunne gives a broad overview of the entire chapter, including amendments, and states no known changes have been made since 2008.

Call for Questions (Chair)

No questions. Lt. Gov. thanks Dunne.

Introduction to Facilitation Process (Pat Sciarappa, The Sterling Council)

Sciarappa explains the facilitation process by which the task force will look at a draft mission statement as a starting point to create and finalize a mission statement, will then discuss guiding principles (again, working from a draft), define a scope of work which will provide the map for actions to be taken to accomplish the mission, and decide on a calendar of meetings.

Draft Mission Presented: The Task Force on Citizen Safety and Protection will review Florida Statute 776, listen to the concerns and ideas of the citizens of Florida, and make recommendations to the Governor and the Florida Legislature to ensure the rights of all Floridians to feel safe and secure in our state.

Discussion of Mission Opened:

Baxley: asks for a copy of the governor's charge so that the mission statement language can be viewed in light of the governor's words. "I know it's easy to drift far if we don't know exactly what it is," he says. He is concerned with wording in particular having to do with the need to review statute 776, thought the task was broader and 776 would be a part of discussion.

Chair: explains the reason for the task force is the review of 776 and asks that copies be made of the governor's charge for members.

Canino: moves the Mission be accepted as drafted.

Chair: asks for discussion.

Canino: withdraws motion.

Demings: suggests wording regarding the administration of justice relating to the law.

Bruce: asks to add protection of visitors to mission

Ashley: asks if reviewing 776 as a whole or just stand your ground, or Good Samaritan law and what can be asked of volunteers. Asks to narrow mission because the chapter is "huge" and adds, "This is in light of the Trayvon Martin Case, so are we doing it in light of that or all citizen safety?"

Bell: Expresses concern that the mission statement opens the door to too much, and people who want to deal with other issues will bring them in. suggests the last sentence be modified so it doesn't open up beyond 776, "ensure proper application and administration."

Seiden: States procedures need to be included because the Florida Supreme Court has come out with a procedure as to whether the statute is applicable.

Fernandez Rundle: asks to insert "...and related laws and procedures" after 776.

Seiden: suggests "...and related judicial practices also." Explains that one does not have to charge a person if self-defense is clear, but once an arrest is made, a judge makes the decision of statutory immunity, so to look at the law without looking at the courts would give an incomplete picture.

Sciarappa: clarifies "administration, application and visitors" as the going concerns

Chair: to add for clarity that the governor's press release allow the task force to define its mission and scope as well as timeline.

Demings: asks if mission statement should read "the task force will review Florida statute 776 and its administration of justice, listen to the citizens and ensure the rights of all citizens and visitors to feel safe."

Caimano: at the end of the clause 776, must add "and procedures outlined by relevant judicial decisions" and then add sheriff Demings's comment.

Demings: "I believe that administration of justice is broad enough to keep us within the process."

Perry: Agrees it is broad

Caimano: it is fine as long as it is clear that the mission includes procedures

Fernandez Rundle: suggests application might be best if inserted after 776 “and applicable procedures” as “administration of justice” is too broad.

Seiden: agrees with Fernandez Rundle’s wording

Chair: asks for clarification of wording

Fernandez Rundle: “and applicable judicial proceedings.”

Bell: suggests the term “implementation” might encompass more than courts’ rulings, but include the process of investigation, prosecuting, and that this process is more than rules of administration.

Seiden: clarifies the chapter (776) says there should be law enforcement investigation and upon finding of probable cause, a decision has to be made by the state whether to go to a grand jury or file an information. If no probable cause, matter ends.

Bell: mentions reading that some concern by prosecutors and law enforcement was that it would alter the investigation in the manner it’s been done.

Ashley: agrees that removing law enforcement prerogative is an issue, and that while the task is to narrow the mission, he worries that narrowing too much may keep members from accomplishing the task.

Chair: says that as they mentioned process that includes all entities, should the language be changed to reflect that.

Seiden: says that the law does not seem to handicap law enforcement, rather that the task force can’t view 776 in a vacuum, and must view it in the light of judicial and other law.

Fernandez Rundle: believe this highlights the problem, “Because whether it’s in front of a prosecutor or judge, right now we have a hodge-podge and it’s not intentional.” Suggests wording change to “and its fair and uniform applicability or implementation.”

Bell: asks to put those words at the end as the idea is to find out whether it is being applied as such.

Siplin: stresses importance of maintaining that all citizens feel safe and secure, that while looking at 776 as a whole, that is of import.

Chair: that is the language.

Siplin: asks if testimony across state may allow to make tweaks and see how it is

Chair: asks if Fernandez Rundle's wording accomplishes that goal.

Siplin: agrees.

Demings: offers a complete set of language: "The task force on citizen safety and protection will review Florida State Statute 776 as it relates to administration of justice, listen to the concerns and ideas of the citizens of Florida, and make recommendations to the Governor and Florida Legislature to ensure the rights of all Floridians and visitors to feel safe and secure in our state."

Chair: Asks members for input

Caimano: says there is a problem with administration of justice; attorneys and sheriffs will have questions. Task force needs to define that it encompasses everything.

Demings: "We're trying to include everything but this is just to guide us."

Caimano: argues that if justice is not defined in the mission statement, how will the task force know what it is defined as. Offers that it should be in or after the statement

Bell: suggests that it go in guiding principles

Baxley: says the task force is getting ahead of itself and should generalize for the statement

Seiden: agrees.

Perry: "Implementation of Process."

Chair: "Where would you put that?"

Fernandez Rundle: "Implementation is the process."

Sciarappa: reiterates importance of discussion then reads insertions: "The task force will review Florida State Statute 776 and its implementation, listen to the concerns and ideas of the citizens of Florida, and make recommendations to the Governor and State Legislature to ensure the rights of all Floridians and visitors to feel safe and secure in our state."

Canino: asks to clarify if only 776 is under scrutiny

Marx arrives: apologizes for lateness, gives a history of 776, the Supreme Court ruling in 2008 with immunity which is not seen anywhere else in criminal law and explains that the implementation is the case law as constructed by the Supreme Court.

Canino: asks why "fair and uniform implementation" were done away with

Sciarappa: suggests implementation achieves the same goal.

Chair: asks if uniform implementation would make Canino more comfortable.

Canino: will follow board but feels it is important.

Ashley: says the goal was to shorten the statement and there should be a presumption of fairness.

Chair: "We're talking about the law, not us."

Canino: feels the community does not see it as applied fairly or evenly and community would be comforted if the words were there.

Brodeur: Says it gives wrong connotation in the mission and should perhaps be in the guidelines.

Bell: can add it to end, including all citizen's rights.

Brodeur: makes more sense to put it lower.

Sciarappa: "including the right" is added.

Fernandez Rundle: asks if Canino is comfortable with the word citizens.

Canino: No, all citizens, but not all community are thought of as such

Chair: "I think citizens only applies to the task force"

Sciarappa: re-reads "The Task Force on Citizen Safety and Protection will review Florida Chapter 776, F.S., and its implementation, listen carefully to the concerns and ideas of the citizens..."

Chair: "Can we change citizens of Florida to Floridians?"

Sciarappa: "...concerns and ideas from Floridians, and make recommendations to the Governor and the State Legislature to ensure the rights of all Floridians and visitors, including the right to feel safe and secure in our state."

Bruce: Move to accept

Brodeur: second

Fernandez Rundle: asks if inviting input is really seeking input from Floridians

Chair: explains any way it is received it will be listened to and considered.

Fernandez Rundle: Calls the Question

Chair: Calls.

Motion Passes Unanimously by voice vote.

Finalized Mission Statement as passed unanimously:

“The Task Force on Citizen Safety and Protection will review Chapter 776, F.S., and its implementation, listen to the concerns and ideas from Floridians, and make recommendations to the Governor and Florida Legislature to ensure the rights of all Floridians and visitors, including the right to feel safe and secure in our state.”

Lunch

Reconvene

Chair: asks Newman and Scott (both on phone) to affirm understanding and adherence to Sunshine Law

Newman confirms, Scott doesn't answer. Marx affirms, having not been present when sunshine law adherence was first called.

Draft Guiding Principles

Sciarappa: explains the process of guiding principles. “To define the way of work with one another and with the public,” she says. While there is no limit on the number of guidelines, she suggests the task force stick to those that are critical. Asks for agreement that the extant 5 draft principles be amended to reflect the language changes of the mission statement so that all use of “Statute” be changed to “Chapter,” “Florida citizens” to “Floridians,” and adding implementation.

Reads first draft guideline:

1. “Provide forums where the citizens of Florida have the opportunity to be heard regarding their concerns with Statute 776 and recommendations for change.”

Brodeur: would like a more blanket statement that Floridians need to be heard without language regarding change, as some Floridians may not want change.

Chair: change it to “regarding input related to Chapter 776.”

Baxley: “I would end at concerns.” Asks that the task force drop back off 776, to see there are other issues that may need to be addressed rather than 776, and giving them a place to address their concerns should be enough.

Seiden: suggests: “provide forums for the citizens of Florida to be heard regarding chapter 776.”

Fernandez Rundle: suggests “concerns or support”

Chair: Baxley keeps pointing out that we cannot be limited to 776, however, if something comes up we will bring it forward.

Baxley: reiterates that his concern is that if the task force says it will only deal with 776, that will not stop the public from bringing whatever concerns they have and that he hopes the governor's concern is for safety, not just 776.

Chair: "Our mission is to deal with chapter 776, but as things come up, we need to allow them to be seriously addressed. And they may need to be delved into."

Marx: "It's a can of worms." Suggests that if opened to "safety" all concerns will arise.

Chair: but even with limit, there has to be space for public comment. The Task Force will make final decisions.

Sciarappa: suggests principle 3 may be what the members are reaching for:

1. "Ensure an open and honest discussion of relevant laws, rules, regulations, and programs."

Chair calls for consensus on principle 1

Sciarappa: "Provide forums where Floridians have the opportunity to be heard regarding chapter 776, F.S."

Canino: asks if this would include undocumented Floridians.

Chair: no one will ask legal status.

Canino: asks for clarification.

Chair: "We made it Floridians in our mission, we will keep it at that; visitors can be anyone."

Sciarappa: re-reads principle 1.

Fernandez Rundle: moves

Siplin: seconds

Chair: calls.

Passed Unanimously

Chair calls for passing principle 2 unanimously.

2. "Develop trust by bringing objectivity to the meetings, listening with an open mind, and maintaining a calm and productive environment."

No objections.

Demings: moves #3 be passed unanimously.

No objections.

Sciarappa: reads #4

4. "Identify any viable options and opportunities that may prevent tragedies or other such incidents."

Bell: concerned that this will read as only about Trayvon Martin case and that while it was catalyst, it was not the only reason for task force.

Brodeur: suggests "prevent tragedy and maintain the right to protection."

Bell: emphasizes need to place importance on life, not just security

Seiden: explains that right should also apply to attacker, not just victim

Chair: calls for a recommendation

Seiden: "Identify any viable options to ensure personal safety and protect life."

Bruce: concern with 4 is nearly opposite of Bell's in that it opens up a free for all

Caimano: suggests deleting it as its full meaning is already in the mission statement.

Demings: Agrees 4 could be deleted and 5 be expanded.

Marx: agrees.

Seiden: moves

Marx: seconds

Chair: "There's still a conversation."

Marx: asks to add to #5 the options to promote safety and security.

Ashley: wants to return to purpose, to clarify justifiable use of force, who makes the decision, and feels it is nowhere in guidelines.

Sciarappa: that's more for Scope of Work

Brodeur: in light of that, would be best to delete 4 and expand 5.

Chair calls for unanimous deletion. Voice pass. #5 becomes #4.

Sciarappa: there is on ides “Promote safety and security”

#4 (new) draft: “Protect the rights of all Floridians to feel safe and secure in our state.”

Marx: “Identify options and opportunities that promote the safety and security of Floridians and visitors.”

Siplin: moves

Seiden: seconds

Bell: “To me that doesn’t address the question of if somebody decides to make a victim of a crime, what rights do you have not to be killed?” Continues to explain right to life is the primary idea behind justified use of force, but that the person committing crime has a right to life as well.

Chair: calls for input from members on the phone

Simmons: No input

Lorenzo: no answer

Newman: Having trouble understanding

All phone members discuss trouble with reception.

Chair: asks for further input

Seiden: “I believe #5 (the new 4) is sufficient as it is written. You might want to add ‘and visitors,’ but as it is written with the exception of visitors.”

Fernandez Rundle: agrees it is sufficient

Baxley: moves

Seiden second

Chair: unanimous voice pass. Suggests this may be the time to look at wording for “uniform and fair implementation” or to add a guiding principle.

Sciarappa: asks if there’s interest in such

Ashley: “I think 3 covers it”

Canino: asks for identification of perimeters of use of force, or what constitutes deadly force

Sciarappa: That’s part of Scope of Work.

Chair: Call for discussion if needed to add to guiding principles.

Seiden: “Didn’t the Supreme Court already do that?”

Marx: explains the dictate from the Supreme Court

Chair: asks sheriffs about “before it gets to court”

Ashley: comments that’s his concern as no other law takes away police decision to arrest.

Marx: Explains that the law does not take away right to arrest for probable cause, but rather deals with what the defense may do in the case of an arrest, as well as what the prosecution and judges may act on.

Baxley: there needs to be a discussion, but not this deep and not for guiding principles.

Chair: calls for unanimous consent for the 4 principles. Voice pass.

Scope of Work

Chair: asks members to look at drafts of scope and make notations.

Baxley: asks this be the place explanation is put.

Marx: re-explains Supreme Court decision, process of action in such cases.

Chair: clarifies this was a Supreme Court decision

Marx: was in dispute—particularly on right of prosecution to “traverse” (A process by which they point to areas of the case that need arguing). Rather the courts decided a judge could decide based on preponderance of evidence.

Seiden: Counters that the legislative intent was to keep innocent people from the difficulties faced at trial and that the process is not “like the Gong Show” where the prosecution has no chance of appeal.

Siplin: “Does the motion to dismiss happen after the shooter is dismissed?”

Marx: Yes.

Baxley: appreciates information but wants to review the court process.

Fernandez Rundle: this is the same as the discussion of the mission statement.

Sciarappa: commends task force for wanting to get into the work, but explains that they must now outline the scope of the work. Asks group to read first point in Scope of Work:

- “Determine where and when public hearings should be held in the state with a rationale for locations based on Guiding Principles.”

Sciarappa: asks if task force can agree on that conceptually.

Bruce: “I’m not sure about ‘rationale for locations based on guiding principles’”

Sciarappa: explains that any site chosen has to have a reason for being chosen.

Baxley: “And the guiding principles tells us that?”

Perry: cut locations

Fernandez Rundle: Where in the state?

Chair calls the question, point one is moved by Marx and seconded by Seiden. Voice vote unanimous

Sciarappa: reads second bullet:

- “Define the listening processes to be used in these public hearings, as well as any methods for soliciting ideas that will be made available to the public.”

Bell: would leave first part ending in “hearings” and put second part in to the next. Argues need for data from other states applying law. Asks Baxley if he thinks the task force, as part of implementation, should look at variants of the law in other states.

Chair: explains that data is being gathered from all over the state and how that will form complete picture

Baxley: agrees need to focus on what Florida is doing, but need to look at other states.

Chair: will ask UF if they have ability to add in the data.

Sciarappa: suggests adding to relevant data “and comparisons”

Perry: asks how communication with public will proceed.

Chair: “We will not go back and forth with the citizens.”

Fernandez Rundle: “The back and forth will be with panelists and other experts.” Suggests end with “soliciting ideas” and leave 3 as it is.

Baxley: moves as described

Fernandez Rundle: Clarifies the need for soliciting ideas and suggests to end at “public hearings. “Define the listening process to be used in these public hearings.”

Brodeur: moves. Seiden: second. Voice vote unanimous.

Sciarappa reads bullet 3:

- “Develop communication plan with multiple and varied media forms to ensure all interested citizens have the opportunity to receive the location and listening process information.”

Bruce: suggests participating instead of listening.

Chair: asks how participation would happen

Bruce: as task force is not asking public only to come listen but to come share ideas, that is participation, not listening,

Chair: rather than mislead the public into thinking they are on task force, suggests input

Sciarappa: This reads more as a plan for involving the media

Siplin: suggests using model for reapportionment.

Chair: changes wording to soliciting input

Baxley: “Have the opportunity to participate” clarifies that contributing online and in meetings is participation.

Fernandez Rundle: No need to reinvent the wheel

Chair: “With correction.”

Baxley, “With corrections, submit 3 to end with opportunity to participate.”

Baxley: move Ashley: second. Voice vote pass unanimous.

Sciarappa: Reads next step:

- “Review and discuss Statute 776 for areas of controversy while maintaining a focus on Citizen Safety and Protection.”

Explains this point is the core of the scope of work. Make changes concerning chapter 776 and that may be all that is needed.

Seiden: moves. Brodeur: second. Unanimous voice vote pass.

Sciarappa: Next we added comparative data

Baxley moves, Ashley: second: Call: unanimous voice vote approval.

Sciarappa: reads last bullet:

- “Prepare a report for Governor Scott and the Florida Legislature.”

Marx: “And the public”

Perry: “Floridians and visitors.”

Chair: “Since we have the sunshine law, it is public if it is given to the governor and legislature.”

Baxley: on task: it is a public report

Gen. Counsel: It already is.

Seiden: “People may not understand that”

Gen. Counsel: “It always ends up on the website, so it’s understood.”

Fernandez Rundle: Add “prepare and publish.”

Brodeu: Would like to suggest and end time on the process.

Chair: explains opening remarks included end of process: March; when legislature returns to session.

Bell: reads from governor’s press release: “Set time table for report with recommendations.”
Moves to add “recommendations”

Canino: second

Chair: reminds that task force agreed to move review of process to the scope of work.

Bruce: in light of Marx’s comments court process has already been decided by the Supreme Court. Suggests the issue may be at prosecutorial and law enforcement level.

Fernandez Rundle: perhaps add “and its implementation” after 776 to clarify from officer to court.

Demings: Marx said the only place immunity can be put before arrest. Police do not want to appear judge and jury.

Baxley: warns this is too far afield. Agrees with implementing process as it is all part of the process.

Caimano: asks that every member read the cases (there are ten after the 2005 amendment) to get a fuller understanding of implementation of the law.

Fernandez Rundle: brings up civil court

Idea is dismissed.

Sciarappa: suggests separation of entitled, one being to discuss 776 and its implementation as a separate part, and one being review of case law.

Chair: suggests it as homework.

Baxley: asks for executive summary

Chair: allows that some will want to fully read law others will want “cliff’s notes”

Fernandez Rundle: It’s not just case law, there are other parts. Offers Chinese Menu.

Chair: Send to John (Konkus) and we will send to all members and put on the website.

Marxs: suggests discussion of the Castle Doctrine (which predated stand your ground).

Chair: to Caimano: you said there are hundreds of cases. Is there a way to narrow this down?

Caimano: responds if only some cases before 2005 were used, there would be enough information to form a picture.

Chair: “I’m putting you in charge of that and provide it to staff.”

Sciarappa: Suggests then taking out 2005 from the bullet point: “review case law as it relates to 776”

Fernandez Rundle: You want case law or cases?

Seiden: Fine either way

Sciarappa: warns it will bog down.

Fernandez Rundle: suggests it will be covered by implementation.

Last two points: first moved by Siplin, second by Baxley, unanimous voice vote pass. Second moved by Siplin, second by Demings, unanimous voice vote pass.

Chair: compliments task force on hard work and great accomplishments. Thanks panel for decisions and moves to calendar

Calendar

Dates, without locales were chosen first by process of elimination. Dates are June 12, July 10, NO August meeting and September 12 and 13.

Locales offered with rationale as per guiding principles:

Sanford: offered alongside Orlando, is decided on because it is close enough to Orlando to have diverse cultural input, but is also a hard hit community and will want direct involvement.

Vote on Sanford for June 12: All for except Seiden. (17-1)

Miami Gardens and Palm Beach: offered both because of cultural diversity and connection to cases.

Ocala: offered as home of castle doctrine, but denied for now

Pensacola: offered to guarantee a rural and full picture of state and because first case was tried there

DeSoto County: offered because rural but close to Bradenton and Sarasota and therefore will cover large area and provide diverse views.

Jacksonville: considered back and forth, argument over Sanford case being tried there or jury selected there. Finally chosen as available to large mass of people and close to Gainesville.

Chair: suggests Miami Gardens and Palm Beach for September 12 and 13. Marx moves. Bruce second. Unanimous voice vote pass.

Chair: suggests July 10 for Pensacola , Collier, Hardee, or DeSoto

DeSoto offered as an in between Bruce moves DeSoto, Caimano second. Chair calls, unanimous voice vote pass.

Baxley offers reminder of need to return to Tallahassee at end of process. Chair agrees.

Discussion of options for people living in the Keys, allows for call in arrangement. Discussion of further meetings put Pensacola and Jacksonville on for some dates in October and November to be chosen at later meeting.

What meetings will look like:

Primary points of agreement are for about an hour of education and panelists followed by time for public, particularly in the afternoon, after work. All final details left to Chair for decisions.

Chair: thanks task force and asks staff to get written affirmation of understanding of Sunshine law from Scott.

Thanks Florida Channel. Invites public to June 12 meeting in Sanford and to log on to website and send emails (700 already received).

Meeting Adjourned at approx.: 15:15